

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

GIOVANNI WALKER,
Plaintiff,
vs.
WILLIE RODRIGUEZ and KERRI
ADLER,
Defendants.

NO. CV-07-0081-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION and SETTING
TELEPHONIC STATUS CONFERENCE

Magistrate Judge Imbrogno filed a Report and Recommendation on December 21, 2009, recommending Defendant's Motion for Summary Judgment be denied in part and granted in part. (Ct. Rec. 66.) Objections to the Report and Recommendation were due on January 7, 2010. There being no objections to the Report and Recommendation, the court **ADOPTS** the Report and Recommendation.

Accordingly, **IT IS HEREBY ORDERED:**

1. Defendant's Motion for Summary Judgment (Ct. Rec. 48) is **GRANTED**, in part, and **DENIED**, in part.

2. The claims asserted against Jon Doe and John Doe 2 are **dismissed**, with prejudice.

3. The Eighth Amendment inadequate medical care claims asserted against Defendants Rodriguez and Adler are **dismissed**, with prejudice.

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1 4. The following claims remain to be resolved at trial:

2 a. Eighth Amendment claims of excessive force;

3 b. State tort claims of gross negligence against Defendant
4 Adler and claims of assault and batter against Defendant Rodriguez.

5 5. A telephonic status conference is set for **March 11, 2010**, at
6 10:30 a.m., in Spokane, Washington. Plaintiff and counsel are directed
7 to call the Court conference line, (509) 458-6380, at the designated
8 time.

9 **IT IS SO ORDERED.** The District Court Executive shall forward
10 copies of this Order to Plaintiff at his last address of record and to
11 counsel for Defendants.

12 **DATED** this 1st day of February, 2010.

13
14 s/Robert H. Whaley

15 ROBERT H. WHALEY
16 United States District Judge